

AGENDA ITEM #7  
April 29, 2008

**Introduction**

**MEMORANDUM**

April 25, 2008

TO: County Council

FROM: Jeffrey L. Zyontz, Legislative Attorney

SUBJECT: **Introduction:** Zoning Text Amendment 08-08,  
Fenton Village Overlay Zone - Workforce Housing Height

Zoning Text Amendment (ZTA) 08-08 is sponsored by the District Council at the request of the County Executive. ZTA 08-08 is scheduled to be introduced on April 29, 2008. A public hearing will be held on June 17 at 1:30 p.m. if the Council approves the attached resolution.

Currently CBD zones allow building height limits recommended by the applicable sector plan to be exceeded to accommodate workforce housing. The Fenton Village Overlay Zone establishes the zoning standards for all properties in the zone; the Overlay Zone does not have a provision to exceed the sector plan recommended height limits. ZTA 08-08 would allow additional building height, up to the height limits of the underlying zone, for workforce housing in the Fenton Village Overlay Zone.

Ordinance No.:  
Zoning Text Amendment No.: 08-08  
Concerning: Fenton Village Overlay Zone –  
Workforce Housing Height  
Draft No. & Date: 1- 4/17/08  
Introduced: April 29, 2008  
Public Hearing: June 10, 2008  
Adopted:  
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: The District Council at the request of the County Executive

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- allow optional method of development projects in the Fenton Village Overlay Zone additional building height to accommodate workforce housing units; and
- generally amend building height limits in the Fenton Village Overlay Zone.

By amending the following sections of the Montgomery County Zoning Ordinance:

Division 59-C-18      OVERLAY ZONES  
Section 59-C-18.192 Fenton Village Overlay Zone - Regulations

<b>EXPLANATION:</b>	<p><b>Boldface</b> indicates a heading or a defined term.</p> <p><u>Underlining</u> indicates text that is added to existing laws by the original text amendment.</p> <p>[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.</p> <p><u>Double underlining</u> indicates text that is added to the text amendment by amendment.</p> <p>[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.</p> <p>* * * indicates existing law unaffected by the text amendment.</p>
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*Ordinance*

*The County Council for Montgomery County, Maryland sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Section 1. Division 59-C-18 is amended as follows:**

**59-C-18. OVERLAY ZONES.**

\* \* \*

**59-C-18.19. Fenton Village Overlay Zone.**

\* \* \*

**59-C-18.192. Regulations.**

\* \* \*

**(1) Building height in the Overlay Zone:**

**(A)** along the east side of Georgia Avenue must not exceed 90 feet; along the west side of Fenton Street must not exceed 60 feet; within the area between Georgia Avenue and Fenton Street must not exceed 60 feet but may increase up to 90 feet for projects that are at least 33% residential and where the additional height is placed closest to Georgia Avenue and decreases as you move east to Fenton Street; [and]

**(B)** along the east side of Fenton Street must not exceed 45 feet for all uses except housing, which must not exceed 60 feet[.]; and

**(C)** between Georgia Avenue and Fenton Street, any optional method of development project may be approved up to the maximum height limit in the underlying zone for the construction of workforce housing units as defined in Chapter 25B if the additional height is the minimum necessary to allow for the construction of workforce housing units. The additional building height for workforce housing units may be approved notwithstanding any limits recommended in a sector plan; however, the building height along the west side of Fenton Street must not exceed 60 feet.

\* \* \*

**Sec. 2. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

Resolution No:  
Introduced: April 29, 2008  
Adopted: April 29, 2008

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND

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By: The District Council at the request of the County Executive

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Subject: Notice of Public Hearing on Zoning Text Amendment 08-08

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within 30 days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 08-08, introduced on April 29, 2008, would amend the Zoning Ordinance to allow additional building height to accommodate workforce housing in the Fenton Village Overlay Zone.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Legal notice will be given of the public hearing to be held on June 17, 2008 at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council